REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 3, 15, 16, 30 and 40 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the specification at least at page 16, line 17 – page 17, line 4. No new matter has been added.

Claims 2, 4-7, 10, 12-13, 18-19, 21, 23-29 and 41 have been canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1, 3, 8-9, 11, 14-17, 20, 22, 30-40 and 42-44 will be pending in the present application, with claims 1, 15, 16, 30 and 40 being independent.

1. Claim Rejections under 35 U.S.C. 112

Claims 1-3, 8-9, 11, 14 and 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 3 notes the following recitation included in claim 1:

> first, second and third priority levels are assigned based on a determination of whether the indicators correspond to real time data, television program data, and Internet Protocol data, respectively;

Specifically, the Office Action asserts that the specification does not appear to reasonably convey to those skilled in the art that the applicant had possession of the claimed invention (i.e., the above recitation) at the time the application was filed.

The assignment of priority properties is described in the present specification at least at page 16, lines 3-11 (emphasis added):

> In one embodiment, the Content Aggregator 402 then processes the data feeds by assigning priority properties. In particular,

> information that is considered to be dynamic content, such as real-time indicators, alerts, and scoreboard status changes, are assigned with high priority. A next priority level, such as a "Fast" priority, is assigned to information such as the box scores of games currently in progress. A "Normal" priority is assigned to information that typically changes on a daily basis, such as news events relevant to a program of interest. Finally, a "Low" priority is assigned to content such as pictures, schedules, or other relatively static information concerning the program of interest.

Applicants submit that at the time the application was filed, the subject matter of claim 1 was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. For example, "information that is considered to be dynamic content, such as real-time indicators, alerts, and scoreboard changes, are assigned with high priority" describes the "first" priority level assigned based on real time data. Additionally, for example, "a next priority level, such as a 'Fast' priority, is assigned to information such as the box scores of games currently in progress" describes the "second" priority level assigned based on television program data. Furthermore, for example, "a 'Normal' priority is assigned to information that typically changes on a daily basis, such as news events relevant to a program of interest" describes the "third" priority level assigned based on Internet Protocol data. Therefore, claim 1 and its dependent claims comply with the written description requirement.

Since claim 2 has been canceled, the rejection of this claim is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-3, 8-9, 11, 14 and 33-36 under 35 U.S.C. 112 are respectfully requested.

2. Claim Rejections under 35 U.S.C. 103

A. Rejections Based on Knudson et al., Wynblatt et al. and Rasson et al.

Claims 15-17, 20, 22, 40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041), in view of Wynblatt et al. (U.S. Patent No. 6,546,421), and further in view of Rasson et al. (U.S. Patent No. 6,137,549). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 5 concedes that Knudson et al. is silent with respect to the particular packetization and assignment of prioritization information in association with distribution of the associated content. Therefore, Knudson et al. fails to disclose or suggest at least the elements of wherein each of first and second data streams are delivered to a client system according to priorities assigned to respective first and second event-based content over independent channels, wherein the first and second data streams are capable of being transmitted to the client system simultaneously, as included in independent claim 15 as amended. Rasson et al. fails to cure this defect.

The Office Action on page 5 asserts that Rasson et al. discloses a system and method for the prioritized delivery of data based at least upon the expiration time of the content of the data (citing col. 6, line 64 – col. 7, line 14; col. 8, lines 8-42).

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). Rasson et al. teaches constructing and distributing messages 78 to local systems 28 with each feed generator 52. At step 82, feed generator 52 locates the highest priority feed generator queue 76. At step 84, feed generator 52 locates the next data record 72 to be transmitted for that queue 76 while avoiding data records with addresses corresponding to busy receivers. At step 86, feed generator 52 locates a sufficient number of other data records addressed to the same destination to construct a complete message 78. The data records located by feed generator 52 are initially taken from the highest priority queue and are then taken from other queues in order of descending priority. At step 88, feed generator 52 transmits the complete message to its designated address (see col. 8, lines 23-38; Figures 3 and 5).

In other words, Rasson et al. teaches that data from various priority queues 76 are combined to construct an overall message. The constructed overall message, not individual data from the various priority queues 76, is then transmitted to a destination address of a local system, presumably over a single channel. However, Rasson et al. fails to teach or suggest at least the elements of wherein each of first and second data streams are delivered to a client system

according to priorities assigned to respective first and second event-based content over independent channels, wherein the first and second data streams are capable of being transmitted to the client system simultaneously, as included in independent claim 15 as amended.

Additionally, Wynblatt et al. is cited by the Office Action on page 5 as teaching "a technique for recognizing that an event indicated as being of interest to a viewer is about to occur in the first one of [a] plurality of televised sporting events" (citing col. 5, lines 21-65; col. 6, line 33-6). However, even assuming for argument's sake that this assertion by the Office Action is correct, which applicants do not concede, Wynblatt et al. still fails to teach or suggest at least the elements of wherein each of first and second data streams are delivered to a client system according to priorities assigned to respective first and second event-based content over independent channels, wherein the first and second data streams are capable of being transmitted to the client system simultaneously, as included in independent claim 15 as amended.

For the reasons stated above, Knudson et al., Wynblatt et al. and Rasson et al., alone or in combination, also fail to teach or suggest at least the elements of wherein each of first, second, third and fourth data feeds are delivered to a client system according to their respective priority levels over independent channels, wherein the first, second, third and fourth data feeds are capable of being transmitted to the client system simultaneously, as included in independent claim 16 as amended.

Furthermore, for the reasons stated above, Knudson et al., Wynblatt et al. and Rasson et al., alone or in combination, also fail to teach or suggest at least the elements of wherein each of first and second data feeds are delivered to a client system according to the priority levels assigned to the respective first and second event identifiers, wherein the first and second data feeds are capable of being transmitted to the client system simultaneously, as included in independent claim 40 as amended.

Therefore, since Knudson et al., Wynblatt et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claims 15, 16 and 40, these claims are allowable.

Claims 17, 20 and 22 depend from claim 16. Claims 42-44 depend from claim 40. As discussed above, claims 16 and 40 are allowable. For at least this reason, and the additional

features recited therein, claims 17, 20, 22 and 42-44 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 15-17, 20, 22, 40 and 42-44 under 35 U.S.C. 103 are respectfully requested.

B. Rejections Based on Knudson et al., Ward et al., Wynblatt et al. and Rasson et al.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Ward et al. (WO 00/333576 A1), in view of Wynblatt et al., and further in view of Rasson et al. Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 14 concedes that Knudson et al. is silent with respect to the prioritization and subsequent distribution of content based priorities. Therefore, Knudson et al. fails to disclose or suggest at least the elements of wherein each of a tunable alert and a second event identifier are delivered to one or more client devices according to their respective priority levels over independent channels, wherein the tunable alert and the second event identifier are capable of being transmitted to the one or more client devices simultaneously, as included in independent claim 30 as amended. Rasson et al. fails to cure this defect.

The Office Action on page 14 asserts that Rasson et al. discloses techniques for the prioritization of distribution of data associated with programming guides (citing col. 6, line 64 – col. 7, line 14; col. 6, lines 1-40; col. 8, lines 8-42; Figures 3 and 5).

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). Rasson et al. teaches constructing and distributing messages 78 to local systems 28 with each feed generator 52. At step 82, feed generator 52 locates the highest priority feed generator queue 76. At step 84, feed generator 52 locates the next data record 72 to be transmitted for that queue 76 while avoiding data records with addresses corresponding to busy receivers. At step 86, feed generator 52 locates a sufficient number of other data records addressed to the same destination to construct a complete message 78. The data records located by feed generator 52 are initially

taken from the highest priority queue and are then taken from other queues in order of descending priority. At step 88, feed generator 52 transmits the complete message to its designated address (see col. 8, lines 23-38; Figures 3 and 5).

In other words, Rasson et al. teaches that data from various priority queues 76 are combined to construct an overall message. The constructed overall message, not individual data from the various priority queues 76, is then transmitted to a destination address of a local system, presumably over a single channel. However, Rasson et al. fails to teach or suggest at least the elements of wherein each of a tunable alert and a second event identifier are delivered to one or more client devices according to their respective priority levels over independent channels, wherein the tunable alert and the second event identifier are capable of being transmitted to the one or more client devices simultaneously, as included in independent claim 30 as amended.

Wynblatt et al. is cited by the Office Action on page 14 as teaching "a technique for recognizing that an event indicated as being of interest to a viewer is about to occur in [a] broadcast television content" (citing col. 5, lines 21-65; col. 6, line 33-6). Additionally, Ward et al. is cited by the Office Action on page 13 as teaching "at least a portion of television program data includes a box score of a game currently in progress" (citing Fig. 6; page 8, line 35 – page 9, line 3; page 9, lines 16-21). However, even assuming for argument's sake that the these assertions by the Office Action are correct, which applicants do not concede, Wynblatt et al. and Ward et al., alone or in combination, still fail to teach or suggest at least the elements of wherein each of a tunable alert and a second event identifier are delivered to one or more client devices according to their respective priority levels over independent channels, wherein the tunable alert and the second event identifier are capable of being transmitted to the one or more client devices simultaneously, as included in independent claim 30 as amended.

Therefore, since Knudson et al., Ward et al., Wynblatt et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 30, this claim is allowable.

Claims 31-32 depend from claim 30. As discussed above, claim 30 is allowable. For at least this reason, and the additional features recited therein, claims 31-32 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims

30-32 under 35 U.S.C. 103 are respectfully requested.

C. Rejections Based on Knudson et al., Wynblatt et al., Rasson et al. and Ward et al.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Wynblatt et al., in view of Rasson et al., and in further view of Ward et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al., Wynblatt et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16. Ward et al. fails to cure this defect.

Ward et al. is cited by the Office Action on page 16 as teaching "at least a portion of television program data includes a box score of a game currently in progress" (citing Fig. 6; page 8, line 35 – page 9, line 3; page 9, lines 16-21). However, even assuming for argument's sake that this assertion by the Office Action is correct, which applicants do not concede, Ward et al. still fails to disclose or suggest at least the elements of wherein each of first, second, third and fourth data feeds are delivered to a client system according to their respective priority levels over independent channels, wherein the first, second, third and fourth data feeds are capable of being transmitted to the client system simultaneously, as included in independent claim 16.

Therefore, since Knudson et al., Wynblatt et al., Rasson et al. and Ward et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16, this claim is allowable.

Claim 37 depends from claim 16. As discussed above, claim 16 is allowable. For at least this reason, and the additional features recited therein, claim 37 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 37 under 35 U.S.C. 103 are respectfully requested.

D. Rejections Based on Knudson et al., Wynblatt et al., Rasson et al., Ward et al. and Marshall et al.

Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et

al. in view of Wynblatt et al., in view of Rasson et al., in view of Ward et al., and in further view of Marshall et al. (U.S. Pub. No. 2002/0010697). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al., Wynblatt et al., Rasson et al. and Ward et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16. Marshall et al. fails to cure this defect.

Marshall et al. is cited by the Office Action on page 16 as teaching "the particular existence of Internet Protocol data in order to provide both team notes/news and schedule information" (citing Figure 1; paragraph 0026). However, even assuming for argument's sake that this assertion by the Office Action is correct, which applicants do not concede, Marshall et al. still fails to disclose or suggest at least the elements of wherein each of first, second, third and fourth data feeds are delivered to a client system according to their respective priority levels over independent channels, wherein the first, second, third and fourth data feeds are capable of being transmitted to the client system simultaneously, as included in independent claim 16.

Therefore, since Knudson et al., Wynblatt et al., Rasson et al., Ward et al. and Marshall et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16, this claim is allowable.

Claims 38-39 depend from claim 16. As discussed above, claim 16 is allowable. For at least this reason, and the additional features recited therein, claims 38-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 38-39 under 35 U.S.C. 103 are respectfully requested.

E. Rejections Based on Knudson et al., Marshall et al., Wynblatt et al., Rasson et al. and Gotwald

Claims 1-3, 8-9, 11, 14, 33-34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Marshall et al., in view of Wynblatt et al., in view of Rasson et al., and further in view of Gotwald (U.S. Patent 5,987,518). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 19 concedes that Knudson et al. is silent with respect to

prioritization and subsequent distribution of content based priorities. Therefore, Knudson et al. fails to disclose or suggest at least the elements of wherein each of first, second and third indicators and associated identifiers are delivered to at least one client system according to their respective priority levels over independent channels, wherein the first, second and third indicators and associated identifiers are capable of being transmitted to the at least one client system simultaneously, as included in independent claim 1 as amended. Rasson et al. fails to cure this defect.

The Office Action on page 19 asserts that Rasson et al. discloses a system and method for the prioritized delivery of data based at least upon the expiration time of the content of the data (citing col. 6, line 64 – col. 7, line 14; col. 8, lines 8-42).

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). Rasson et al. teaches constructing and distributing messages 78 to local systems 28 with each feed generator 52. At step 82, feed generator 52 locates the highest priority feed generator queue 76. At step 84, feed generator 52 locates the next data record 72 to be transmitted for that queue 76 while avoiding data records with addresses corresponding to busy receivers. At step 86, feed generator 52 locates a sufficient number of other data records addressed to the same destination to construct a complete message 78. The data records located by feed generator 52 are initially taken from the highest priority queue and are then taken from other queues in order of descending priority. At step 88, feed generator 52 transmits the complete message to its designated address (see col. 8, lines 23-38; Figures 3 and 5).

In other words, Rasson et al. teaches that data from various priority queues 76 are combined to construct an overall message. The constructed overall message, not individual data from the various priority queues 76, is then transmitted to a destination address of a local system, presumably over a single channel. However, Rasson et al. fails to teach or suggest at least the elements of wherein each of first, second and third indicators and associated identifiers are delivered to at least one client system according to their respective priority levels over

independent channels, wherein the first, second and third indicators and associated identifiers are capable of being transmitted to the at least one client system simultaneously, as included in independent claim 1 as amended.

Marshall et al. is cited by the Office Action on page 17 as teaching "a data feed . . . including Internet Protocol data" (citing paragraphs 0008-0009). Additionally, Wynblatt et al. is cited by the Office Action on page 18 as teaching "a technique for recognizing that an event indicated as being of interest to a viewer is about to occur in [a] televised sporting event" (citing col. 5, lines 21-65; col. 6, line 33-6). Furthermore, Gotwald is cited by the Office Action on page 20 as teaching "a method for assigning priority that is applicable to video distribution networks based on the particular data and connection type" (citing col. 3, line 66 – col. 4, line 7; col. 4, lines 55-22). However, even assuming for argument's sake that the these assertions by the Office Action are correct, which applicants do not concede, Marshall et al., Wynblatt et al. and Gotwald, alone or in combination, still fail to teach or suggest at least the elements of wherein each of first, second and third indicators and associated identifiers are delivered to at least one client system according to their respective priority levels over independent channels, wherein the first, second and third indicators and associated identifiers are capable of being transmitted to the at least one client system simultaneously, as included in independent claim 1 as amended.

Therefore, since Knudson et al., Marshall et al., Wynblatt et al., Rasson et al. and Gotwald, alone or in combination, fail to disclose or suggest all of the elements of independent claim 1, this claim is allowable.

Claims 3, 8-9, 11, 14, 33-34 and 36 depend from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claims 3, 8-9, 11, 14, 33-34 and 36 are also allowable.

Since claim 2 has been canceled, the rejection of this claim is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-3, 8-9, 11, 14, 33-34 and 36 under 35 U.S.C. 103 are respectfully requested.

F. Rejections Based on Knudson et al., Marshall et al., Wynblatt et al., Rasson et al., Gotwald and Ward et al.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Marshall et al., in view of Wynblatt et al., in view of Rasson et al., in view of Gotwald, and further in view of Ward et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al., Marshall et al., Wynblatt et al., Rasson et al. and Gotwald, alone or in combination, fail to disclose or suggest all of the elements of independent claim 1. Ward et al. fails to cure this defect.

Ward et al. is cited by the Office Action on page 23 as disclosing "at least a portion of television program data includes a box score of a game currently in progress" (citing Fig. 6; page 8, line 35 – page 9, line 3; page 9, lines 16-21). However, even assuming for argument's sake that this assertion by the Office Action is correct, which applicants do not concede, Ward et al. still fails to disclose or suggest at least the elements of wherein each of first, second and third indicators and associated identifiers are delivered to at least one client system according to their respective priority levels over independent channels, wherein the first, second and third indicators and associated identifiers are capable of being transmitted to the at least one client system simultaneously, as included in claim 1 as amended.

Therefore, since Knudson et al., Marshall et al., Wynblatt et al., Rasson et al., Gotwald and Ward et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 1, this claim is allowable.

Claim 35 depends from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claim 35 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 35 under 35 U.S.C. 103 are respectfully requested.

3. Conclusion

Accordingly, in view of the above amendments and remarks, it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a

timely Notice of Allowance be issued in this case. If the Examiner believes, after this response to the Notice of Non-responsive Amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: April 30, 2008

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April 30, 2008
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/Noemi Tovar/
Noemi Tovar